

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

STARBUCKS CORPORATION

Employer

and

Case 12-RC-292669

**WORKERS UNITED, SOUTHERN REGIONAL
JOINT BOARD**

Petitioner

**PREHEARING ORDER: ACCESS, INSTRUCTIONS,
AND GUIDELINES REGARDING ZOOM HEARING**

The hearing in this matter is scheduled to begin on April 11, 2022, at 9:30 a.m. and continue on consecutive days thereafter until concluded. As set forth in the Notice of Hearing which issued on March 22, 2022, the hearing will be conducted remotely via videoconference using Zoom technology and under appropriate safeguards.

This Prehearing Order informs the parties and counsel on how to access Zoom technology and provides instructions and guidelines regarding the Zoom hearing.

I. Participants

If you are an identified participant (counsel, other party representative, party, witness, interpreter, or court reporter), you may join the meeting online with a computer or laptop with a camera and microphone for transmitting both video and audio. (A computer or laptop with audio/video capability is highly recommended. It is possible to join the meeting online using a smart phone or tablet, but this will limit your ability to perform certain functions during the hearing, including sharing and viewing documents through Zoom.

A Zoom account is required. If you do not already have an account, visit zoom.us and create one. You must sign up using your real name. Download and install the **free** Zoom client on your computer or laptop by hovering over the Resources tab in the upper right of the screen and selecting “Download Zoom Client.” If you are using a smart phone, install Zoom from the App Store.

Take the following steps at least 30 minutes before joining the Zoom hearing:

A. Location: Set up your computer, laptop, or other primary device in a quiet room or space where you will not be distracted or interrupted.

B. Background: Make sure there are no uncovered windows, lights, or distracting images or messages directly behind you. Virtual backgrounds should also be free of distracting images or messages. **Witnesses may not use virtual backgrounds.**

C. Power source: Connect your primary and secondary devices to electrical outlets or portable power sources to ensure they will not run out of battery.

D. Internet: Test your internet connection. Close any unnecessary applications on your primary device other than Zoom. If using wifi, disconnect other devices, including your secondary device (unless or until needed), from the same wifi network.

E. Camera: Position the web camera so that it is facing you at or slightly above eye level.

F. Microphone and speaker: Make sure the microphone is close enough to pick up your voice. And raise the speaker volume so it is loud enough for you to hear others. If you will be using separate devices for video and audio (e.g., a computer for video and a phone for audio), be sure that the microphone and the speaker on the video device are off to prevent audio feedback.

G. Mobile phone notifications: Set your mobile phone notifications on vibrate only.

II. Joining the Hearing

Join the Zoom hearing at least 5 minutes before the scheduled time by clicking on the access link here or copying and pasting it into your web browser:

(b) (6), (b) (7)(C)

Wait in the Zoom waiting room until you are admitted to the hearing by the Hearing Officer or the Hearing Deputy. Please be patient, it may take a few minutes. If there is an unexpected delay, the Hearing Officer or Deputy will send a message to the waiting room, which will appear on the waiting room screen.

III. Participating in the Hearing

A post-election hearing is an official Government legal proceeding. As such, you are expected to abide by the following protocols:

A. Decorum and conduct: Observe rules of decorum, civility, and ethics and show respect for the dignity of the legal proceeding by your conduct, language, and

attire.

B. Cooperation and compliance: Cooperate with each other and the court reporter and comply with the Hearing Officer's reasonable instructions (e.g., to adjust your position, lighting, or web camera, or to mute or unmute your microphone).

IV. List of Hearing Participants, including Witnesses and Observers

By no later than 2:00 p.m., on April 8, 2022, counsel, other party representatives and parties without counsel must email the Hearing Officer a list of all hearing participants, witnesses, and nonparticipant observers to whom they have sent the access information. This list is for procedural use only and will not be part of the record. The list must include the individual's name, email address, telephone number and role in the proceeding. This list is necessary for the Hearing Officer or Deputy to allow the appropriate access to the proceedings and to correctly assign individuals to breakout rooms or the waiting room. However, parties will not be precluded from calling witnesses who are not on this list, if necessary, for the presentation of their case. Nonparticipant observers must remain muted with their video output off throughout the hearing.

Counsel, other party representative, and parties without counsel or other representative must forward the above hearing access link and numbers to their witnesses and non-participant observers. Counsel, other party representative, and parties without counsel or other representative must also ensure that their witnesses have the necessary equipment and internet connection to join and testify at the Zoom hearing.

V. Witnesses

As stated, counsel, other party representative, and parties without counsel or other representative must ensure that their witnesses have the equipment and internet connection necessary to join and testify at the Zoom hearing.

The Hearing Officer or Deputy will admit witnesses to the hearing from the waiting room.

Witnesses may not use a virtual background because the area behind them must be visible to all meeting participants. At any time immediately preceding or during a witness' testimony, counsel may request that the Hearing Officer direct the witness to use the webcam on their device to pan the room/area where they are testifying. The Hearing Officer may also *sua sponte* direct the witness to do this.

During the hearing, witnesses, like all participants, should comport themselves in a manner, and wear attire, that would be appropriate if they were physically present in a court room or hearing room. They should participate from an area where there will not be extraneous noise and that limits the possibility of interruption.

While witnesses are testifying, they are strictly prohibited from communicating with

anyone else by any means. While testifying they are also prohibited from looking at any documents or other items unless directed by counsel and authorized by the Hearing Officer. This prohibition includes viewing web searches and written documentation. While testifying, the witness' hands must be empty and the witness is prohibited from typing.

If the Rule regarding sequestration of witnesses is invoked in a post-election hearing, counsel should inform their expected witnesses not to observe the hearing prior to testifying, and should inform all participants associated with them not to communicate anything about a prior witnesses' testimony to other prospective witnesses. These limitations are subject to exceptions that the Hearing Officer will explain at the hearing if the sequestration rule is invoked.

VI. Additional Instructions and Guidelines

A. No videotaping or recording

RECORDING OF THE ZOOM MEETING IS ONLY PERMITTED BY THE OFFICIAL COURT REPORTER. ALL OTHER PERSONS ARE STRICTLY PROHIBITED FROM RECORDING THE ZOOM MEETING OR ANY PORTION OF IT BY ANY MEANS, INCLUDING BUT NOT LIMITED TO VIDEOTAPING, AUDIO RECORDING, BROADCASTING, TELEVISIONING, PHOTOGRAPHING, TAKING SCREEN SHOTS, OR OTHER COPYING.

B. Exhibits.

Although not required, it will greatly facilitate the conduct of the hearing if the parties email all of their known potential exhibits to the Hearing Officer, Deputy, their own witnesses, and opposing counsel or representative by **no later than 2:00 p.m., on April 8, 2022.**

All exhibits shall be pre-marked, paginated and converted into bookmarked PDF files. All confidential personal identifying information such as Social Security Numbers, Birth Dates, etc. should be redacted from the exhibits.

The maximum file size for electronic transfer of files is normally 512 MB. If you have something larger such as a video or audio file, please contact the Board agent who has been assigned to the case to request assistance.

During the hearing, parties may email or to send an exhibit to other counsel, the Hearing Officer, and the reporter if they have not already done so. The Zoom screen share function may be used to show an exhibit to a witness during the hearing.

C. Conferring via the Zoom breakout room function

Participants may request to speak privately during the hearing. If your request is granted by the Hearing Officer, the participants will be moved into a virtual breakout room to confer. No one, aside from the individuals moved to the breakout room, will be able to hear the conversation in the breakout room, and the parties in the breakout room will not be able to

hear what is happening in the virtual hearing room. The Hearing Officer may call participants back into the main hearing, at which time a message on your screen will inform you that you will be returned to the hearing room within a designated time period of no more than 60 seconds. You may also click on “return to main session” to exit the breakout room at any time. Do not click “leave meeting” when exiting the breakout room or you will have to sign back into the meeting and wait in the waiting room to be readmitted to the hearing. If you are using a web browser for this hearing rather than the Zoom app, you may not have access to the breakout room feature.

Dated: April 7, 2022

/s/ David Cohen

David Cohen, Regional Director
National Labor Relations Board, Region 12
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